United Nations S/2006/544

Security Council

Distr.: General
19 July 2006

Original: English

Letter dated 17 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Greece submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-43677 (E) 140806

Annex

Letter dated 11 July 2006 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In response to your letter dated 4 April 2006 regarding the implementation by Greece of resolution 1624 (2005), I wish to submit a report containing all relevant information concerning this issue (see enclosure).

(Signed) Adamantios Th. Vassilakis
Ambassador
Permanent Representative

Enclosure

Report of the Government of Greece regarding the implementation of Security Council resolution 1624/2005

In response to the questions of the Counter Terrorism Committee regarding the implementation by Greece of resolution 1624 (2005) about the non-incitement to terrorism activities please note the following:

Question 1.1

Law 3251/2004 (Official Gazette 127/A/9-7-2004) incorporates EU Framework Decision of 13 June 2002 on the European Arrest Warrant, as well as Framework Decision of 13 June 2002 on Combating Terrorism. The same Law implements to a great extent, the International Convention for the Suppression of the Financing of Terrorism which was already ratified by the Greek Parliament with L. 3034/2002, (Official Gazette 168/A/19-7-2002). In the framework of this law, and more particularly in para. 5 of Article 40 (new Article 187 A, para. 5 of the Greek Penal Code), there is reference to the legal consequences for individuals who "direct/coordinate" terrorist acts. Such individuals can be considered as "inciting" terrorist acts, and are thus punished with at least 10 years imprisonment.

Furthermore, although the Greek Penal Code does not contain special provisions criminalizing the incitement to commit terrorist acts, it contains however other relevant provisions, which can be applied in the above cases, such as:

-Article 184 of the Penal Code, which provides for a maximum of three years imprisonment for those who publicly or by any means provoke or incite others to commit a felony or misdemeanor.

-Article 185 of the Penal Code, which provides for a maximum of three years imprisonment against those who publicly or by any means glorify a criminal act that has been committed and thus, endangers public order.

-Article 186 of the Penal Code, which provides for imprisonment of at least three months for those -who provoke or incite others by any means to commit a felony, as well as those who offer themselves to or accept such provocation to incitement to commit a misdemeanor.
The above penalties are imposed unless the aforementioned acts are punished by a more severe penalty.

-Article 189 of the Greek Penal Code regarding punishment of individuals who disturb Public Peace could also be of relevance in this regard.

Question 1.2

Greece fully abides by the provisions of the Geneva Convention relating to the Status of Refugees. As regards the implementation of the exclusion clauses contained in article 1 F of the above Convention: the Greek authorities examine with the utmost caution and on an individual basis all asylum requests as well as the question of denying an individual the refugee status when there are serious reasons for

considering that he /she has committed a crime against peace, a war crime or a crime against humanity or a serious non- political crime outside the country of refuge, or has been guilty of acts contrary to the purposes and principles of the United Nations.

Notwithstanding the above, and regardless of the results of the eligibility procedure (concerning the granting of asylum), the Greek authorities fully comply with the general provisions of relevant human rights treaties, and particularly article 3 of the European Convention on Human Rights as well as article 3 of the UN Convention against Torture, which prohibit expulsion, refoulement or extradition of a person to the country of origin or to another country where there are serious reasons to believe that he/she risks being subjected to torture or other forms of ill-treatment.

Question 1.3

The competent Greek Security Authorities cooperate on regular basis with the respective authorities of other countries, including investigations of terrorist activities, which are in progress whenever it is deemed appropriate and indispensable. As regards the global fight against terrorism, Greece closely cooperates with other states in order to effectively confront terrorist activities.

With regard to the exchange of information, the competent Greek Police Authorities may exchange and share information with the corresponding authorities of third states. Exchange of information in this regard concerns confronting terrorist incidents, suspect investigation, apprehended-arrested persons and operational measures.

As far as the existing regulations on border controls for suspect individuals or persons that have allegedly committed terrorist activities we note the following :

The national Passport Control network is linked with an electronic database. Passport Control officers submit all relevant information for aliens entering Greek territory to this database, which serves as a register, as well, for all additional evidence associated with suspect individuals. This database includes inter alia, names of individuals listed in the U.N Security Council lists in accordance with the Resolutions 1267/1999, 1333/2000,1373/2001 and 1390/2002. The Hellenic Police Headquarters has established a data base of persons forbidden from entering the country. Included in this data base are the lists circulated by the UN Security Council. Effective controls are applied also on the issuance of identity papers and travel documents and additional measures have been taken to prevent counterfeiting, forgery, of fraudulent use of identity papers and travel documents. Specifically, in view of the establishment of a new central service of the Hellenic Police for the issuance of the new Hellenic passports, the Hellenic Police Laboratory is setting the technical requirements in order to achieve the most effective protection of the new passport from forgery. The said Laboratory, as the National Contact Point with INTERPOL and EUROPOL and foreign forensic laboratories and law enforcement authorities, maintains a constant flow of information and exchange of experience, leading to more effective measures of detection and suppression of counterfeiting and forgery. Moreover, the Central Unit of the PHOTOPHONE System, situated in the Hellenic Laboratory and connected with the 19 main border passport control in order to examine travel documents of disputed authenticity for examination. A concerted

effort is currently taking place in order to supply all the passport control checkpoints in the Hellenic territory with the most technologically sophisticated forgery and counterfeiting detection devices.

Question 1.4

Greece actively supports inter-cultural dialogue within all international and regional organizations and more specifically in the UN framework. Taking into consideration the challenges arising from recent demographic changes within Greek society, Greece encourages dialogue between persons of different nationalities, religions and cultures, in order to foster mutual understanding and actively promotes social integration.

Question 1.5

Greece supports all international efforts aiming at eradicating extremism and intolerance. At the national level, the Greek Constitution fully guarantees the principles of equality, non-discrimination and respect for human rights and freedoms for all individuals, including religious freedom.

Greece being a party to the UN Covenant on Civil and Political Rights seeks to implement Article 20 of that instrument, which prohibits war propaganda and incitement of national, racial or religious hatred. Greece has also enacted relevant national legislation, Law 927/1979 "on punishing acts or activities aiming at racial discrimination", which penalizes the following acts:

(a) To wilfully and publicly, either orally or by the press or by written texts or through pictures or any other means, incite to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or [by virtue of article 24 of Law 1419/1984] religion;

(b) To form or participate in organizations which intent organized propaganda or any kind of activities tending to racial discrimination;

(c) To express publicly, either orally or by the press or by written texts or through pictures or any other means offensive ideas against any individual or group of individuals on the grounds of the latter's racial or national origin or [by virtue of article 24 of Law 1419/1984] religion;

It is to be noted that Article 39 (4) of Law 2910/2001, replaced with article 71 (4) of Law 3386/2005, enables prosecuting authorities to press charges *ex officio* in the case of the abovementioned acts. The penalties provided for the above offences are the following: imprisonment for a maximum of two years and/or a fine in cases (a) and (b), imprisonment for a maximum of one year and/or a fine in cases (c).

Moreover, article 16 of Law 3304/2005 criminalizes the violation of the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or

religious or other beliefs, disability, age or sexual orientation with respect to the supply of goods or the offer of services to the public.

In the field of electronic media, article 8 (5) of Presidential Decree 100/2000 (by virtue of which Directive 97/36/EC amending Council Directive 89/552/EEC was transposed into national legislation) provides that "television stations may not broadcast programs which incite hatred between citizens on the grounds of their different race, religion, citizenship or gender." The same provision applies to radio stations (article 8 (4) of Law 2328/95), as well as subscriber radio and television stations (article 10 (1) of Law 2644/1998). Article 4 (1) (b) of the aforementioned Presidential Decree provides that State authorities, following the relevant provisions and legal procedures established by the aforementioned Directive, may order the preventive prohibition, by any technical means, of the broadcast of television programs only when "the content of those programs incites hatred among the population on the grounds of differences related to race, religion, citizenship or gender".

Article 4 (1) of the National Radio and Television Council Code of Ethics for news programs, journalistic and political programs, as ratified by virtue of Presidential Decree 77/2003, provides that the broadcasting of degrading, racist, xenophobic or sexist messages or characterizations, as well as of intolerant views is prohibited.

Directive-Recommendation 5/1998, issued by the National Radio and Television Council stresses that radio and television stations are obliged not only to avoid any provocation, but to disapprove any form of xenophobia or hate against persons belonging to any nationality.

Question 1.6

No legal restrictions exist, concerning the exchange of information with the authorities of other states, except for the information of personal nature, where the law 2472/1997 on the "Protection of Individuals with regard to the Processing of Personal Data", is applicable.

The exchange of information and generally the cooperation with foreign states, as well as the legal measures which incorporate the bilateral and multilateral agreements on police cooperation, are in full conformity with the spirit of relevant United Nations and European Union instruments.

On a more general note, Greece firmly believes that the fight against terrorism in order to be effective should be in full respect for international law, in particular human rights law, refugee law and international humanitarian law, including due process and the rule of law. In this respect Greece is a party to all major international instruments in the field of human rights and humanitarian law, including the European Convention on Human Rights and most of its Protocols, as well as the UN International Covenant on Civil and Political Rights and its Optional Protocols. The Greek authorities make every effort to implement the provisions of these Conventions and the jurisprudence of the European Court on Human Rights.

United Nations S/2006/545

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Letter dated 17 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fourth report from Seychelles submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of Seychelles to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-43665 (E) 150806

Annex

Note verbale dated 22 May 2006 from the Permanent Mission of Seychelles to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Seychelles to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to submit herewith the fourth report of Seychelles (see enclosure).

Enclosure

Fourth report by the Government of the Republic of Seychelles to the United Nations Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) of the United Nations Security Council

April 2006

Introduction

The Government of the Republic of Seychelles submitted its first report in April 2003 pursuant to paragraph 6 of Security Council Resolution 1373 (2001), and subsequently, a supplementary report in December 2003 and third Report in February 2005 (S/2005/107).

The Government of the Republic of Seychelles has the pleasure in submitting this fourth Report, covering the areas of concern expressed by the Counter-Terrorism Committee in its letters dated 7 October 2005 and 16 November 2005.

This Report, it is hoped, will provide further insight to the Counter-Terrorism Committee, information in relation to issues not fully developed in the initial report.

Pursuant to the first report and subsequent reports, this version once again, represents the commitments and cooperation of the Government of Seychelles to the implementation of the United Nations Security Council Resolution (UNSCR) 1373 adopted on the 28th September 2001 and other relevant resolutions.

REPUBLIC OF SEYCHELLES

1. Implementation Measures

Effectiveness in the protection of financial systems

1.1 In its third report (p. 5), Seychelles states that the proposed amendments to the Anti-Money-Laundering Act will include provisions for monitoring and regulating currency remittance or transfer services. The Committee would appreciate information on the status and operative details of the proposed amendments.

1.1 Under Section 5 (2) of the Anti-Money Laundering Act 1996 institutions carrying out Money Transmission Services are required to notify the Central Bank of Seychelles of any activity carried out or likely to be carried out which constitutes or is likely to constitute the offence of money laundering.

Under the proposed Anti – Money Laundering Bill 2005, Money Transmission Services are considered as Reporting Entities and Sections 4 to 11 place more obligations on them which include the following:

- Need to verify the customer's identity;
- When establishing a business relationship, need to obtain information on the purpose and nature of the business;
- If transaction is conducted by a legal entity, need to identify and verify its legal existence and structure;
- If customer is a politically exposed person, identify the person, establish the source of wealth, obtain senior management approval before establishing business relationship and conduct regular enhanced monitoring of business relationship;
- Take reasonable measures to ascertain the purpose of any transaction in excess of R 100,000 or of R 50,000 in case of cash transactions and the origin and ultimate destination of the funds involved in the transaction;
- Maintain records of all transactions carried out and correspondence relating to the transactions
- Money transmission to accompany originator information;
- Reporting entities to monitor transactions;
- Report suspicious transactions to the FIU

1.2 On page 6 of its third report, Seychelles states that section 36 (1) of the Prevention of Terrorism Act includes provision for freezing the funds of suspected terrorists. It is not clear whether current legal provisions allow for the freezing without delay of funds that are suspected of being linked to terrorism but have not as yet been used to commit a terrorist act. Please indicate also whether Seychelles' competent authorities are able to freeze the financial assets or other economic resources of entities owned or controlled directly or indirectly by persons who commit or attempt to commit terrorist acts or who participate in or facilitate the commission of such acts.

1.2 Sections 36 and 37 of the Prevention of Terrorism (PTA) Act 2004 contain provisions to temporarily seize or restraint the disposal of such property or to make an order of forfeiture. Section 37 (1) (b) makes provisions for the forfeiture of property that has been, is being or will be used be used, in whole or in part, to commit or facilitate the commission of a terrorist act.

Certain offences regarding Financing of Terrorism (FT) may be described as offences of basic intent which means that the offence is not restricted to specific intention. Section 5 of the Prevention of Terrorism (PTA) Act 2004 also provides that a person commits an offence if amongst other things, he collects or provides funds "knowingly or having reasonable grounds to believe that the funds will be used". The above mentioned offence even though does not provide that intention element of the offence of FT may be inferred from objective factual circumstances, it nevertheless achieves that objective by providing reasonable ground to believe or to know as part of the mental element of the crime. However, Section 6 to 9 of the PTA is couched in terms which make them offences of specific intent. The said sections use the terms knowing or intending, in defining the relevant offences. Sections 6 to 9 do not make any provisions with regards to the fact that the intentional element of offences may be inferred from the objective factual circumstances.

1.3 Under section 34 (2) of the Prevention of Terrorism Act, financial institutions are required to report suspicious transactions to the Commissioner of Police. What provisions, if any, exist to require non-financial intermediaries such as notaries, lawyers and accountants to report suspicious activities or transactions?

1.3 Under the proposed Anti-Money Laundering Bill 2005, notaries, lawyers and accountants are considered as reporting entities. Sections 4 to 11 places the obligations as listed in 1.1 above, on them.

Under Sections 34 and 35 of the Prevention of Terrorism Act 2004, every person is required to disclose to the Commissioner of Police any information relating to terrorist acts, property controlled by terrorist groups or transactions related to such property.

1.4 Is there a competent authority authorized to apply sanctions or penalties against reporting parties who fail to comply with their obligation in that regard? The Committee would appreciate information on any criminal, civil or administrative sanctions applied in such cases.

1.4 Section 5 (5) of the Anti-Money Laundering Act 1996 and Section 35 (6) of the Prevention of Terrorism Act 2004 contain provisions that make it an offence for failing to disclose information to either the Central Bank or the Commissioner of Police.

Penalties for failure to comply with their obligations may only be imposed by the court. Section 58 (1) (b) of the AML Bill 2005 contains a provision for the loss of authority to do business in the case of a body corporate. So far, no sanctions or penalties have been applied.

1.5 Does Seychelles provide administrative, investigative, prosecutorial and judicial authorities with training in the enforcement of legislation related to:

. Typologies and trends in the area of terrorism financing methods and techniques; and

. Techniques fur tracing criminal properties and funds and their seizure and confiscation.

1.5 Seychelles does not have the capacity to provide for such training. However, officers from the Central; Bank as well as prosecutors from the Attorney General's office and the Ministry of Foreign Affairs, have participated in overseas seminars and workshops on CFT issues. In December 2004, an officer from the Seychelles Police participated in a workshop on Terrorism Financing organized by the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) which was held in Mombasa, Kenya. The judiciary has so far not participated in any overseas training related to CFT.

1.6 Pursuant to Part IV of the International Corporate Service Providers Act, the licences of casino operators and other licensees may be suspended if there is reason to believe that they are operating their businesses in a manner detrimental to the public interest. What operational and monitoring measures exist to ensure that licensees comply with the provisions of the Act?

1.6 All Corporate Services Providers (CSP's), licensed under the International Corporate Service Providers Act 2003, are required to put in place the necessary control systems that ensure all KYC requirements are undertaken and followed up at all times. Money Laundering is prevented, clients assets/information is safeguarded and all other compliance requirements prescribed under the Act are enforced. The Seychelles Investment Business Authority (SIBA), has a compliance section, which ensures that all CSP's are compliant in respect of all their business undertakings. Physical inspections and monitoring are periodically undertaken. SIBA has the necessary authority to initiate actions including revocation of license if CSP's are found to be in contravention of the law (Copy of CSPA enclosed).

In relation to **Interactive Gaming**, the activity is not prescribed under the ICSPA 2003. The relevant Minister, Director (who manages the Act) and the Inspectorate, has the authority to ensure full compliance. The licensing of Interactive Gaming is rigorous, and applicants are required to demonstrate that they have in place, all the systems and structures that ensure compliance before they are licensed (Copy of Interactive gaming Act enclosed).

1.7 Pursuant to paragraph 2 (e) of resolution 1373 (2001), States should have in place measures to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting such acts is brought to justice and that, in addition to any other measures against them, terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such acts. What penalties are envisaged under domestic law for licensees who support ten'Orism in any way?

1.7 The Prevention of Terrorism Act criminalizes the financing of terrorist or terrorist organizations both in Seychelles as well as those located outside Seychelles. Under Sections 5 to 9 of the PTA, a person commits an offence if amongst other things funds and property are collected or provided for terrorist acts. Penalties are contained in Sections 4 to 20.

1.8 Seychelles states that an amendment to the Exchange Control Act that would oblige foreigners to declare the amount of foreign currency in their possession upon entry into the country is being contemplated (third report. p. 6). What is the status of this proposed amendment?

1.8 The proposed amendment has not been considered.

Effectiveness of measures to deny terrorist access to weapons

1.9 The Committee is aware that Seychelles signed the Protocol Against the Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementary to the United Nations Convention Against Transnational Organized Crime, on 22 July 2002, but that it has not yet ratified the Protocol. When does Seychelles plan to do so?

1.9 Seychelles signed the Protocol Against the Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementary to the United Nations Convention Against Transnational Organized Crime on the 22nd July 2002. The Government is currently reviewing the Protocol and it is expected to move to ratification in 2006.

Effectiveness of Custom, Immigration and Border Control:

1.10 In its second report (S/2004/1218, p.10), Seychelles stated that its International Airport is fully automated and provides strict security for incoming and outgoing travelers and that automation of the Victoria Port was under review. The Committee would appreciate an update on the status of this review and on the equipment and technology used in the automated system at the International Airport.

1.10 The Immigration Control desks are fitted with passport readers and data collected are computerized. There has been no change in the immigration control at the port in view of the limited traffic.

1.11 Does Seychelles use an advanced passenger manifest program to compare the names of inbound passengers on international flights against terrorist databases prior to arrival?

1.11 Seychelles Immigration presently does not use or have access to any advanced passenger manifest prior to arrival of aircraft for comparison against terrorist lists.

1.12 Does Seychelles maintain any immigration database systems or an integrated electronic customs network?

1.12 Seychelles Immigration does have a computerized database on all persons entering and leaving the country.

1.13 Does Seychelles permit non-residents to change their names legally? If so, how is positive identification established (e.g. fingerprinting, biometrics, photographs)?

1.13 Non-residents cannot legally change their name in Seychelles

Effectiveness of Aviation Security:

1.14 The International Civil Aviation Organization (ICAO) recently initiated a Universal Security Audit Program to determine States' levels of compliance with Annex 17 to the International Convention on Civil Aviation. Does Seychelles have any difficulties in implementing Annex 17 ?. If so, please explain.

1.14 Seychelles is a State Party to the Convention on Civil Aviation (1944) and at present an expert advisory group from ICAO is in Seychelles to determine Seychelles compliance with Annex 17. Seychelles is not expected to encounter any major difficulties in implementing the requirements of Annex 17.

2. Implementation of UNSC Resolution 1624 (2005)

2.1 What measures does Seychelles have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration ?

2.1 The Prevention of Terrorism Act 2004 (PTA) clearly criminalizes the financing of terrorism. The criminalization of terrorism is not restricted to terrorist or terrorist organization located in Seychelles only. The act also criminalizes the financing of terrorist or terrorist organizations that are located outside of Seychelles. Section 5 to 9 of the PTA creates different offences as regards to the financing of terrorism. The said sections clearly state that a person commits an offence if amongst other things, funds or property are collected or provided for Terrorist Acts. The definition of Terrorist Act given in Section 2 is not restricted to acts carried out in Seychelles only. Hence a person who collects or provides funds for the commission of terrorist acts outside Seychelles would clearly be committing an

offence under the said Sections 5 to 9 of the Act, as long as the collection or the provisions of funds or property was done in Seychelles. Furthermore, Section 15 (f) of the PTA expressly makes it an offence for a person to sponsor the commission of certain acts in a foreign state such as the overthrowing by force or violence the Government of a foreign state.

2.2 What measures does Seychelles take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

2.2 Under Section 41 of the Prevention of Terrorism Act 2004, the Minister responsible for the subject of immigration may, having regard to the interest of national security and public safety, refuse the application of any person applying for status as refugee if the Minister has reasonable grounds to believe that the applicant has committed a terrorist act or is likely to be involved in the commission of a terrorist act.

Under offender may be extradited under Section 3 (1) (a) and (b) of the Extradition Act and Sections 31 and 33 of the PTA 2004.

2.3 How does Seychelles cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

2.3 There is now more cooperation and the exchange of information between the Seychelles Police and their counterparts in Mauritius, India and Tanzania. Information is also exchanged between the member states of the East African Police Chiefs Coordination Organization (EAPCCO).

The Immigration Services is responsible for scrutinizing all incoming travelers both at the port and airport thus controlling the movement of known terrorists and terrorist groups. They also help in detecting the use of forged/counterfeit identification documents like passports and identity cards by criminals and terrorists.

2.4 What international efforts is Seychelles participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Seychelles has always been a homogeneous society. It is made up of peoples from a number of regions of the world including Europe, Africa and Asia. They have settled in the islands with no signs of disquiet among them.

The freedoms of conscience, profession and free practice of religion are guaranteed by the Constitution of Seychelles under Article 21, which provides that: "Every *person has a right to freedom of conscience"*

The Constitution, aware of the need for a wider and effective protection of the freedom of religion also establishes: *"[...] and for the purpose of this Article this right includes freedom of thought and religion, freedom to change religion or belief and freedom either alone or in community with others and both in public and in private, to manifest and propagate the religion or belief in worship, teaching, practice and observance"*

The freedom of the profession is more specifically enshrined by Chapter III of the Supreme Law on Article 35 ("Right to work"), which establishes in clause b) that *"the State undertakes [...] to protect effectively the right of a citizen to earn a dignified living in a freely chosen occupation, profession or trade".*

The freedom of conscience implies also the right to get a secular education or refuse it. Both public or private schools take this into account: *"A person attending any place of education shall not be compelled to impart or receive religious instruction [...]"* (Article 21.3 of the Constitution.

Moreover paragraph 4 estates: *"[...] a person shall not be compelled to take any oath that is contrary to the religion or belief of that person [...]"*

Religion plays an important role in Seychelles society. However Seychelles remains a lay State where: *"A person shall not be required to profess any religion as a qualification for public office.* (Same Article, paragraph 5) and, according to paragraph 6: *"A law shall not make provision for the establishment of any religion or the imposition of any religious observance".*

These Constitutional provisions are further entrenched into a wide range of National legislation.

Laws of Seychelles 1996.

Following the practice in the prior edition of the "Laws of Seychelles" of 1991, the present edition has included the Acts of recognisance of religions in the State –

Chapter 7. Anglican Church (Constitution of Anglican Diocese of Seychelles) Act

Chapter 103B. Islamic Society of Seychelles Incorporation Act

Chapter 144. National Society of the Baha'is of Seychelles (Incorporation) Act

Chapter 207. The Roman Catholic Mission of Seychelles (Incorporation) Act

Chapter 210. Seventh-Day Adventist Mission (Incorporation) Act.

There are in place mechanisms to enable any other religions or religious organisations to apply for legal recognition.

The Penal Code, 1/02/1955, updated in 1996.

Implements the Constitutional rules on the matter. Its Chapter XIV, entitled: *Offences Relating to Religion*, includes:

Article 125: *"Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with intention of [...] insulting the religion of any class [...] or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanor".*

Article 126: *"Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony, is guilty of a misdemeanor".*

Article 128: *"Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any words, or [...], with the like intention utters any word or makes any sound [...] or makes any gesture or places any object in the sight of any other person is guilty of misdemeanor and is liable to imprisonment for one year".*

All the above principles and practices enshrined by the national legislation of Seychelles are manifested in the international relations of the Republic.

Seychelles is a very young nation, as it was only after the beginning of the XVIII Century that the first inhabitants started to populate the islands, and is even younger as a State. In its very brief period of existence the State has adopted with the aim of keeping fraternal relation with other States, an external politic which can be considered as a neutral foreign policy. In the years when the world was divided into two different political systems, Seychelles maintained good diplomatic relations with countries on both sides.
Seychelles has excellent diplomatic and collaboration relations with such opposite forms of government such as those of USA, France, Cuba and China.

Accordingly the Preamble of the Constitution estates: *"We, the people of Seychelles: Desirous to build a just, fraternal and humane society in a spirit of friendship and co-operation with all peoples of the world.*
Recognizing the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation for freedom, justice, welfare, fraternity, peace and unity.

Article 48 of the Constitution referring to Chapter III the Article states: *"This Chapter shall be interpreted in such a way so as not to be inconsistent with any international obligations of Seychelles*

relating to human rights and freedoms and a court shall, when interpreting the provision of this Chapter, take judicial notice of _

a) The international instruments containing these obligations;
b) The reports and expression of views of bodies administering or enforcing these instruments;
c) The reports, decisions or opinions of international and regional institutions administering of enforcing Conventions on human rights and freedoms;
d) The Constitutions of other democratic States or nations and decisions of the courts of the States or nations in respect of their Constitutions".

Article 163.1 of the Constitution in relation to the functions of the Defence Forces establishes:
b) to assist in the fulfillment by the Republic of its international obligations;

Interpretation and General Provisions Act, 6/09/1976. Laws of Seychelles 1996
Updated by Act 14 of 1984.

Section 12: *"A construction of an act which is consistent with the international obligations of Seychelles is to be preferred to a construction which is not".*

Defence Act, 1/01/1981. Laws of Seychelles
Updated by SI 19 of 1986

Section 34: *The Commander-in-Chief may require any Regular Force, or part thereof, to take part outside Seychelles in any international peace-keeping operation on such terms and conditions as he determines.*

Penal Code, 1/02/1955. Laws of Seychelles 1996
Updated by Act 15 of 1996.

Chapter VIII, Offences affecting relations with foreign States and external tranquility

Section 63: *Any person who [...] publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Seychelles and the country to which [...] is guilty of a misdemeanor.*

Section 65: *Any person who is guilty of piracy or any crime connected with or relating or akin to piracy shall be liable to be tried and punished [...]*

2.5 What steps is Seychelles taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

All the rights and freedoms enshrined by the Constitution of the Republic and the national legislation in general have also limitations in order to provide for their practice in a manner that would not prejudice the pacific development of the society and other persons' rights.

The very private aspect of freedom of conscience is unalienable. Nevertheless, a balance between this guarantees and others necessities in a democratic society, requires some limitations. In order to avoid an abusive use of these freedoms, such limitations have been prescribed by law: *"[...] the freedom to manifest and propagate a religion or belief may be subject to limitations [...]":*

a) in the interest of defence, public safety, public order, public morality or public health; or
b) for the purpose of protecting the rights or freedoms of other persons". [Article 21.2 a), b)]

Under the Constitution of the Republic, Article 161, the functions of the Police are –

a) to maintain law and order in and preserve the internal security of Seychelles [...]
b) to prevent and detect crime in Seychelles and over any other area over which the Republic has proclaimed its jurisdiction; and
c) to perform such other functions as may be prescribed by an Act.

Article 163.1 of the Constitution: *"The functions of the Defence Forces are-*
a) to defend Seychelles and any other area over which the Republic has proclaimed its jurisdiction;
c) during a period of emergency to provide assistance to civil authorities [...]
d) to perform as directed by the President functions and services of a civil nature so as to participate to the maximum extent in the task of national development and improvement in accordance with or under an Act.

Police Force Act, 23/11/1959
Updated by SI 41 of 1991

Section 6. Functions of the police: *The Force shall be employed in Seychelles for the maintenance of law and order, the preservation of peace, the prevention and detection of crime, and the apprehension of offenders, and for the performance of such duties police officers may carry arms.*

Defence Act, 1/01/1981. Laws of Seychelles
Updated by SI 19 of 1986

Section 5: *Subject to this Act, the functions of the Defence force are-*
a) to defend Seychelles;
b) to assist the civil power, as provided in Section 30 and 32;
c) to perform functions and services of a civil nature as provided in section 33; and
d) to assist in the fulfillment by Seychelles of its international obligations, as provided in Section 34".

Section 30: *Where the Commander-in-Chief is of the opinion that a situation threatening national security or the preservation of the public order exists to such an extend that the intervention of the Defence Force is required he may call the Defence Force in aid of the civil power.*

Section 32: *The Defence Force or part thereof, shall, at the direction of the Commander-in-Chief, give assistance to the civil power in the event of a civil disaster.*

Section 33: *Where the Commander-in-Chief considers that it is in the public interest to do so, he may require any part of the Defence Force to perform any non-military public service that is capable of being performed by the Defence Force on such conditions as he determines.*

Peace officers (Inner Islands and Outlying Islands) Act, 6/05/1963
Updated by Act 23 of 1976

Under this Act the President, after consulting with the Chief Justice, may appoint peace officers for the inner and outlying islands for the maintenance of law and order.
They shall have power to try some non-serious offences, inflict small fines and impose sentences of no more than 14 days.

Penal Code, 1/02/1955. Laws of Seychelles 1996
Updated by Act 15 of 1996.
Division I of Part II Crimes, of the Code establishes "Offences against Public Order"

Education Act, 23 December 2004

Section 3. Goals and objectives of the education system; paragraph 2:

a): *"The establishment of a comprehensive system of education and training reflecting universal and national values which promote the complete development of the person and equip the person to participate fully in social and economic development.*

b): *the establishment of institutions for achieving the goals referred to in paragraph a)"*

Section 5.1 a): *"In the performance of functions under this Act, the Minister may regulate the conduct of State schools and private educational institutions".*

Section 6: *"The Principal Secretary shall, subject to the directions of the Minister, be charged with the implementation of the provisions of this Act. The Principal Secretary shall develop principles and procedures for implementing policies and managing educational institutions, ensure compliance with the provisions of the Act and regulations made thereunder".*

In relation to private educational institutions the Act provides as follows:

Section 18: *"No person shall operate a private school or educational institution to which this Act applies unless the school or institution is registered under this Act with the approval of the Minister".*

Section 22.1: *"An application for the registration of a private school or educational institution shall be made ... in the form provided by the Ministry and shall contain the required particulars.*

2: *The Principal Secretary shall, upon the receipt of an application under subsection (1), cause the private school or educational institution to be inspected".*

Section 23: *"The Minister may at the request of the proprietor of a registered private school or educational institution, approve any amendment of the particulars registered..."*

Section 24: *"Where a request under section 23 is made for an amendment authorizing the limitation of instruction to certain subjects or classes, the Minster may either refuse to grant the application or grant it subject to such conditions as the Minister may specify".*

Section 31.1: *"The Minister or the Principal Secretary or any officer authorized in writing by the Principal Secretary may, for the purpose of making enquiries, carrying out inspections and discharging any functions under this Act, enter the premises of any private school or educational institution".*

2: *"The proprietor of a private school or educational institution shall keep its premises open for any visit referred to in subsection 1.*

3: *A person who obstructs, or makes a false representation or refuses to furnish any information required under this Act or regulations made there under ... is liable on conviction to a fine of an amount not exceeding R50,000".*

Section 32: *"Where the Minister is satisfied that a private school or educational institution has ceased to be conducted in accordance with this Act ... the Minister may serve a notice requiring the proprietor to conduct the institution in accordance with the Act ..."*

Section 33: *"Where a proprietor having been served with a notice under section 32 fails to comply with the notice, the Minister shall cancel the registration of the private school or educational institution..."*

Section 39.1: *"Where a complaint is made by an interested party that a private school or educational institution has refused to admit a child or has expelled a student on account of race, religion or political affiliation of, or any other unreasonable ground of discrimination relating to, the child, student or parent, the Principal Secretary shall hold an inquiry into the complaint.*

2.2: The Principal Secretary shall communicate his or her determination in writing ... the determination may include such directions to the proprietor as may be necessary to redress the grievance complained of.

2.3-4: A proprietor to whom a direction is issued ... shall comply with the direction ... A person who contravenes (the direction) is guilty of an offence and is liable on conviction to a fine of R50, 000".

Relevant dispositions relating to public education under the Act

Section 80.1: *" It shall not be a condition of admission or attendance of any student in a State school that the student participates in religious education or attends or abstains from attending any place of religious instruction or worship.*

2: Where the parent of any student ... requests that the student be excused from attendance at any religious observance or any education in religious subjects, then the student shall be so excused".

Section 81: *"The Principal Secretary or an officer authorized shall ... inspect State and private schools and educational institutions".*

2.6 What is Seychelles doing to ensure that any measures taken to implement paragraphs 1,2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

2.6 The Republic of Seychelles recognizes the importance of international solidarity in the implementation of human rights law, refugee law and humanitarian law. To this end it has taken the necessary steps to ratify the relevant international Instruments (outlined below). The information relating to the domestication of the Instruments has been covered in Seychelles Reports 1/2/3 and in this 4th Report to the UNSC.

Human Rights Instruments

Universal Declaration of Human Rights, GAUN, 10/12/1948
International Convention on Economic, Social and Cultural Rights (CESCR), 1966. EF: 3/1/1976
International Covenant on Civil and Political Rights (CCPR). EF: 23/03/1976
Optional Protocol to the International CCPR (CCPR-OP1), 1966
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty. GAUN 15/12/89 (CCPR- OP2-DP)
UN Convention on the Rights of the Child, New York 1990 (CRC)
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. 2000
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
Amendments to Article 17.7 and 18.5 of the Convention against Torture, Inhuman or Degrading Treatment or Punishment, 1992.
Acceptance of Article 22 to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
International Convention on the Elimination of all Forms of Racial Discrimination, 1966 (CERD)
International Convention on the Suppression and Punishment of the Crime of Apartheid. GAUN 30.11.73
International Convention against Apartheid in Sports GAUN 10/12/85 Instrument on file: 11/12/89. This Convention has been signed; internal procedures for ratification are underway.
Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) New York 18.12.79. EF: 3/09/1981
International Convention on the Protection of the Rights of all Migrant Workers and members of their Families. GAUN 18.12.90
Convention against Corruption, UN 31/10/03

Refugee Law

Convention relating to the Status of Refugees, 1951
Protocol relating to the Status of Refugees, 1967
Convention relating to the Status of Stateless Persons, 1954

Humanitarian Law

Convention on the Prevention and Punishment of the Crime of Genocide. GAUN 9/12/48
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12/08/1949
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. 12/08/1949
Geneva Convention relative to the Treatment of Prisoners of War. 12/08/1949
Geneva Convention relative to the Protection of Civilian Persons in Time of War. 12/08/1949
Protocol Additional to the Geneva Conventions of 12/08.49, and relating to the Protection of Victims of International Armed Conflicts. 8/06/1977 [Protocol I]
Protocol Additional to the Geneva Conventions of 12/08/49, and relating to the Protection of Victims of Non-International Armed Conflicts. 8/06/77. [Protocol II].
Article 90 Geneva Conventions.
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and their Destruction (Ottawa Treaty) Oslo, Norway, 18/09/97. EF: 03/99
Convention on the Protection of Cultural Property in the Event of Armed Conflict, The Hague 14.05.54. Regulations for the execution of the Convention.

Terrorism

Convention on the Prevention and Combating of Terrorism
UN Convention for the Suppression of Terrorist Bombings GAUN 15/12/97
International Convention against Recruitment, Use, Financing and Training of Mercenaries (1989)
International Convention for the Suppression of the Financing of Terrorism, New York, 9/12/99.
Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation (SUA), Rome 10/03/88. [IMO Convention]
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. UNODC. Rome 10/03/88 [IMO Convention]
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Montreal, 23/09/1971. ICAO
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving ICA 1988, Supplementary to the Convention for the Suppression of Unlawful Acts against the safety of CA 1971. Montreal 24/02/88. ICAO
Convention for the Suppression of Unlawful Seizure of Aircraft. The Hague, 16/12/70. ICAO

Convention on the Marking of Plastic Explosives for the Purpose of Detection. ICAO, Montreal 1/03/91 (EF: 21/06/98)
International Convention against the Taking of Hostages GAUN 17/12/79

Regional Treaties in relation to the above matters

OAU Convention on the Prevention and Combating of Terrorism, Algiers, Algeria. 13/07/99
Memorandum of Understanding among Members Governments of the ESAAMLG (East and Southern Africa Anti-Money Laundering Group). Arusha, Tanzania 27/08/99
OAU Convention for the elimination of Mercenarism in Africa. Libreville, Gabon 3/07/77
OAU Convention Governing the Specific Aspects of Refugees Problems in Africa. Addis Ababa, Ethiopia, 10/09/69.
East African Police Chief Cooperation (EAPCCO) Agreements
African Charter on Human and Peoples Rights. Nairobi, Kenya, 06/1981
African Charter on the Rights and Welfare of the Child, Addis Ababa, Ethiopia 07/90
Protocol to the ACHPR on the Rights of Women in Africa, Maputo 11/07/03
Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights.
Cultural Charter for Africa, July 1976

3. Assistance and Guidance:

3.1 The Government of Seychelles has noted with appreciation that its requests for technical assistance has been brought to the attention of the potential technical assistance providers through the Committee Matrix. The Government wishes however to advise the CTC Committee that it has to date not received the requested technical assistance. The assistance is still required.

3.2 The Government of Seychelles has noted the contents of the letter dated 29th July 2005, detailing areas where Seychelles might benefit from receiving technical assistance. The Government positively acknowledged its needs were consistent with those outlined by the technical assistance providers. To date to Seychelles has not received assistance in the areas requested. The assistance is still required.